

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 EUMI L. CHOI (WVBN 0722)
Chief, Criminal Division

4 NAHLA RAJAN (CSBN 218838)
Special Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-6838
FAX: (415) 436-7234
Email: nahla.rajan@usdoj.gov

9 Attorneys for Plaintiff

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) No. 3-06-70207 BZ
15 Plaintiff,)
16 v.)
17 JOSE FRANCISCO OL莫斯-LOPEZ,)
aka Noe Espita-Hernandez,)
18 Defendant.)
19 _____)
XXPROPOSED ORDER AND
STIPULATION EXTENDING TIME
UNDER RULE 5.1 AND EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

20 The parties stipulate and agree, and the Court finds and holds, as follows:

21 1. The parties initially appeared on the instant matter March 28, 2006 for defendant's
22 initial appearance on the complaint. On April 6, 2006, the parties appeared in front of the
23 Honorable James Larson for a detention hearing, and the matter was continued until April 26,
24 2006 for arraignment.

25 2. On April 6, 2006, Assistant Public Defender Steven Kalar, who represents the
26 defendant, requested an exclusion of time from April 6, 2006 to April 26, 2006, based on
27 effective preparation and continuity of counsel. The defendant agreed to an extension of time for
28 the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of

1 time under the Speedy Trial Act. The parties are involved in discussions which appear likely to
2 lead to pre-indictment resolution of this case. Therefore, the parties are requesting an extension
3 of time under Rule 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree
4 that the time from April 6, 2006 to April 26, 2006 should be extended under Rule 5.1(d) and
5 excluded in computing the time within which an information or indictment must be filed. See 18
6 U.S.C. § 3161(h)(8)(A) and (B)(iv).

7 3. In light of the foregoing facts, the failure to grant the requested exclusion would
8 unreasonably deny counsel for the defense the reasonable time necessary for effective
9 preparation, taking into account the exercise of due diligence. See id. The ends of justice would
10 be served by the Court excluding the proposed time period. These ends outweigh the best
11 interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

12 4. For the reasons stated, the time period from April 6, 2006 to April 26, 2006 is
13 extended under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial
14 Act, 18 U.S.C. § 3161(h)(8)(A).

15
16 IT IS SO STIPULATED.

17
18 DATED: _____

Respectfully Submitted,

19
20
21 /S/
NAHLA RAJAN
Special Assistant United States Attorney

22
23 DATED: _____

/S/
STEVEN KALAR
Counsel for Jose Francisco Olmos-Lopez

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25
26 DATED: 4/24/06

